

CITY GOVERNMENT
OFFICIAL PROCEEDINGS OF CITY COUNCIL
SAVANNAH, GEORGIA
January 24, 2013

The regular meeting of Council was held this date at 2:00 p.m. in the Council Chambers of City Hall. The invocation was given by Pastor George P. Lee of St. John Baptist Church, followed by the Pledge of Allegiance to the Flag.

PRESENT: Mayor Edna Jackson, Presiding
Alderman Van Johnson, II Mayor Pro-Tem
Alderman Tony Thomas, Chairman of Council
Alderman Mary Osborne, Vice-Chairman of Council
Alderman Carol Bell, Tom Bordeaux, John Hall, and Estella Shabazz

Acting City Manager Stephanie S. Cutter
City Attorney W. Brooks Stillwell
Assistant City Attorneys William W. Shearouse and Lester B. Johnson, III.

ABSENT: Alderman Mary Ellen Sprague (Out of town).

Approval was given for the Mayor to sign an affidavit and resolution for an Executive Session held on this date to discuss litigation upon a motion by Alderman Johnson, seconded by Alderman Osborne and unanimously carried.

The minutes of the following meetings were approved upon a motion by Alderman Johnson, seconded by Alderman Osborne and unanimously carried:

- Approval of the Summary/Final minutes of the City Council Work Session/City Manager's briefing of January 10, 2013.
- Approval of the City Council Summary/Final Minutes of January 10, 2013.

PRESENTATIONS

Christy Crisp, Educational Coordinator for the Georgia Historical Society, was present to formally invite the Mayor, Aldermen and the public to the 2013 Georgia History Festival events. Ms. Crisp said this month-long event that brings history to life for all ages through a variety of educational events. Each year the society focuses on a Georgia historian and for 2013 it is John Charles Freemont, born in Savannah and best known as the pathfinder for his daring exportations in the American West. Tom Barton will portray Mr. Freemont in many events throughout the month.

Teri Schell, Forsyth Farmer's Market Coordinator, was present to invite the Mayor, Aldermen and the public to the re-opening of the Forsyth Farmers' Market on February 2, 2012. Also present were Jane Fishman, Trish McCloud and Sylvester Forman. This is the 5th season and they are open every Saturday through November.

Shirley James, Savannah State University representatives, and members of the Black Heritage Festival Committee were present to announce the 2013 Black Heritage Festival. Eileen Baker, Cultural Affairs Director said this year's event has a large focus on education and especially education for the young. She introduced Dr. Cheryl Dozier, Savannah State University President who outlined the month-long events. She said the festival is in its 14th year of partnering with the City of Savannah. This year's theme is "Living the Legacy: Celebrating the Life of Westley W. Law." Alderman Johnson reminded everyone that the events are not "free," but are paid by citizens' tax dollars. Mayor Jackson encouraged everyone to attend some of the free events; there will be something for everyone.

LEGISLATIVE REPORTS

ALCOHOL BEVERAGES LICENSE HEARING

As advertised, the following alcoholic license petitions were heard. No one appeared in objection to the issuance of the licenses. Upon a motion by Alderman Osborne, seconded by Alderman Shabazz and unanimously carried, the public hearing was closed. Upon a motion by Alderman Thomas, seconded by Alderman Johnson and unanimously carried the petitions were approved per the City Manager's recommendation.

Mickie Ragsdale for The Savannah Golf Club, Inc., requested to transfer a liquor, beer and wine (drink) license with Sunday sales from Patricia Beasley at 1661 E. President Street, which had a 2012 liquor, beer, wine (drink) license with Sunday sales and is located between Goebel Avenue and Normandy Street in District 2. (New management)

Mittal Patel for Airways Amoco, Inc., requested to transfer a beer and wine (package) license from Dilip Patel at 291 Crossroad Parkway, which had a 2012 beer and wine package (license) and is located between Knowlton Way and Interstate 95 in District 1. (New ownership/management)

Susan Lynn Else for Sideways Productions, LLC t/a R.O.S.E. Public House, requested a liquor, beer and wine (drink) license with Sunday sales at 125 E. President Street, which is located between Abercorn and Drayton Streets in District 1. (New ownership/management)

Ratnesh Lal for Lal Trading, Inc t/a Pump N Pantry No. 20, requested to transfer a beer and wine (package) license from Sharita Lal at 102 W. 37th Street, which had a 2012 beer and wine (package) license and is located between Barnard and Whitaker Streets in District 5. (New ownership/management)

Terry Michael Smith, TS & HS Enterprises, Inc t/a My Favorite Bar & Grill, requested a liquor, beer and wine (drink) license at 10419 Abercorn Street, which had a 2012 liquor, beer and wine (drink) license and is located between Tibet Avenue and W. Magnolia Avenue in District 6. (New ownership/management)

Emilie Check for Target Corporation t/a Target Store T-1910, requested to transfer a beer and wine (package) license from Scott Wygant at 14065 Abercorn Street, which had a 2012 beer and wine (package) license and is located between Rio Road and Shawnee Street in District 6. (New management)

Emilie Check for Target Corporation t/a Target Store T-2331, requested to transfer a beer and wine (package) license from Scott Wygant at 1907 E. Victory Drive, which had a 2012 beer and wine (package) license and is located between Skidaway Road and Harry S. Truman Parkway in District 3. (New management)

Jagdish I. Patel for Jamanaji, LLC t/a Kelly Food Store requested a beer and wine (package) license at 1220 Habersham Street, which is located between Henry Street and Duffy Street in District 1. (New ownership/location) Mayor Jackson thanked the Acting City Manager for giving the residents of the Victorian District the opportunity to meet and be informed before the Council makes a final decision.

Alderman Hall asked Judee Jones, Alcohol Beverage Administrator if the property had been posted properly and advertised in the local newspaper; to which Ms. Jones said it had. Alderman Johnson said there were some concerns that the neighborhood needed to reconcile. Mayor Jackson said this had been a standard procedure whenever there were concerns from the neighborhoods. Upon a motion by Alderman Johnson, seconded by Alderman Bordeaux and carried the petition was continued until February 21, 2013. Alderman Shabazz was out of the room.

Susan Lingerfelter for End Zone, Inc. t/a End Zone, requested to renew a liquor, beer and wine (drink) license with Sunday sales and Hybrid permits at 11414 Abercorn Street, which has a 2012 liquor, beer and wine (drink) license with Sunday sales and is located between Largo Drive

and Idlewood Drive in District 6. Recommended authorizing the City Attorney to notify Susan Lingerfelter to appear at the February 7, 2013 Council meeting to “show cause” why the renewal application should not be denied as recommended by the Savannah-Chatham Metropolitan Police Department.

Alderman Thomas pointed out this is the old Boggie’s location. Upon a motion by Alderman Thomas, seconded by Alderman Johnson and carried the show-cause hearing is scheduled for February 7, 2013. Alderman Bordeaux was out of the room.

ALCOHOLIC BEVERAGE LICENSE SHOW CAUSE HEARINGS

Arpit, Inc. A hearing for Mihirkumar Patel to show cause why his application to renew a liquor, beer and wine (package) license at 2111 W. Bay Street, which is located between Brittany and Kenilworth Streets in District 1, should not be denied based on the Corrective Action Agreement for this location where violations of alcohol laws and regulations resulted in the denial of the 2013 license renewal application.

City Attorney Stillwell asked if Mr. Alpesh Patel was present and he was not; he asked if Mr. Mihirkumar Patel was present and he was. He asked Mr. Patel if he had received notice of the meeting and that he could have an attorney at the meeting. Mr. Patel said he wished to represent himself and to proceed without an attorney. Attorney Stillwell said it was a show-cause hearing and the City Manager recommended denial of his alcohol license renewal request, for the reasons stated in the show-cause letter he received: allowing loitering and drinking on the property, allowing excessive litter on the property, and for failure to properly maintain the property. Attorney Stillwell swore-in all witnesses and asked Ms. Jones to give a report on the actions at this location during the operation of Mr. Patel. Ms. Jones said Mr. Mihirkumar Patel has operated the business since October 22, 2008, and at that time a Correction Action Agreement was placed on the property. On August 15, 2012 the Revenue Department received notification that the problems were continuing and they met with Mr. Patel. He agreed to get in compliance and he did not. Ms. Jones contacted inspector James Robinson with the City’s Property Maintenance Department and he investigated and took pictures. Mr. Patel was subpoenaed for court and he did not appear and he was given another court date at which he did appear. On October 8th he was cited and was also scheduled to appear in court on January 7th and did not appear.

Inspector Robinson said based upon the information Ms. Jones had given Council, he went to the property August 23, 2012 and conducted an inspection. The City had received complaints about litter, trash and debris throughout the property and he noticed sub-standard sanitation issues. There was a wooden fence on the property which was in violation of the City’s ordinance. Also trash was throughout the property, overgrowth, graffiti on the building and a roof in need of repair. He spoke with Mr. Mihirkumar Patel who identified himself as the property owner and gave him a citation to make corrections within 30-days. Inspector Robinson did a re-inspection after 30-days, the property was in violation and Mr. Patel was issued a court summons. Mr. Patel did not appear and the court date was rescheduled and Inspector Robinson found that Alpesh Patel was the property owner at that time. Mihirkumar Patel went to court and represented himself as Alpesh Patel, Judge Stokes gave him 30-days to correct all violations and a new court date was set for November 5th. Inspector Robinson found the violations were not corrected and Judge Stokes issued a fine of \$1,000 to Mr. Patel then suspended \$500 of the fine and was given notice to continue to correct the violations. He was instructed to return to court on January 7, 2013; Mr. Alpesh Patel did not appear and he was held in contempt of court. Inspector Robinson asked Mr. Alpesh Patel to contact him on January 8th and he identified himself as the property owner. Mr. Alpesh Patel stated he was not the one to appear in court it was Mr. Mihirkumar Patel. At this time most of the violations have been corrected and a fence has been installed, there was an accumulation of solid waste on the back of the property and trash and debris throughout the property. Attorney Stillwell asked Mr. Patel if he had any questions for Inspector Robinson and he did not. Alderman Hall asked if most of the violations had been corrected and Inspector Robinson said some had but there was trash, debris and solid waste construction material throughout the property. Alderman Hall stated he had seen properties and structures in the City in worse shape than the pictures shown this date on Mr. Patel’s property. He said he was willing to go to bat for Mr. Patel on this issue, but not the contempt of court issue; he needed to deal with that himself. Alderman Hall said the City should be consistent when citing owners for litter and if Family Dollar sold alcohol the City could have them come before Council. Alderman Osborne told Alderman Hall the Family Dollar did not have to sell alcohol to be cited for a code violation; Property Maintenance could do it. Alderman Hall stated

they could be but were not and should be. Attorney Stillwell pointed out Mr. Patel was not only cited for property issues but for a nuisance and multiple police violations.

City Attorney Stillwell asked Sgt. Andrea Williams to report on the police activities at this location. Sgt. Williams said this location has been an eye-sore and neighborhood people call the police department often. It is a hang-out area and Mr. Patel was given the opportunity to sign a Citizen's Agreement form. It gives the police permission to arrest someone on this private property. The majority of calls were initiated by the police because of the neighborhood complaints; from October, 2008 until this date there was a total of 63 calls. Attorney Stillwell asked if the police department believes this establishment constitutes a nuisance in the community and Sgt. Williams said it did.

Inspector Robinson said the Code Enforcement Department had been to court 5 times. Mihirkumar Patel represented himself as Alpesh Patel in court and later in front of a judge he said he was not Alpesh Patel. Mr. Alpesh Patel was the property owner and Mihirkumar Patel went to court representing himself as Alpesh. Alderman Bordeaux asked who the judges were and Inspector Robinson stated it was Judges White and Stokes. Alderman Johnson asked if Mr. Patel understood English and Inspector Robinson stated he did understand. Alderman Johnson asked if Mr. Patel understood the question when asked his identity and Inspector Robinson said he did understand. Alderman Thomas asked clarification on the property owner and Attorney Stillwell said Alpesh was the property owner and the license was in Mihirkumar's name. Alderman Thomas asked Mihirkumar if he went to the court and represented himself. Mihirkumar said he was the manager and he was handling the property because Alpesh was not in town. Alderman Thomas said he had not seen the testimony but found it hard to believe Mihirkumar Patel misrepresented himself twice in court and he asked Mihirkumar Patel why he did so and Mihirkumar said that Alpesh was out of the state. He went to court to represent Alpesh due to the fact he was the property manager. Attorney Stillwell questioned Mihirkumar missing court and Mihirkumar said it was because he did not receive proper notification. Alderman Bordeaux asked Mihirkumar Patel's relationship to Alpesh and he stated they were brothers-in-laws.

Attorney Stillwell pointed out to Mihirkumar that the reason for the meeting this date was for him to show-cause as to why he should not be denied the renewal of the alcohol license. Mihirkumar said what-ever the property maintenance department asked him to do he did and most all of the citations have been corrected. He said he continually asked about his violations and was told "so far you are good." He said he would ask people to leave his premise and they would not; he called the police and they took 20-30 minutes to arrive. Mayor Jackson asked him if he had a No Loitering sign posted and he said he did and each time it was ripped up and thrown out.

Ms. Pamela Howard-Oglesby said this liquor store sits in her front door and she can see everything that happens across the street. She explained how the patrons of the liquor store hang out in front of the store, the parking lot and the other side of the building and often they are seen at the convenience store nearby. She said this is "hard core" and a natural occurrence in West Savannah and it would be difficult to get it undone. She explained how it came about that petitioners needed to notify the neighborhood associations. She also stated she was responsible for calling the police department for fear of having homes broken into. Ms. Oglesby said she did not want to be a defender of Mr. Patel, but she had to. He installed a fence around a red brick ledge on his property where the patrons sit and drink; he tried to eliminate the problem. She said she was furious with the police for riding by the liquor store and waving at the patrons. Mr. Patel must do his part, but the police and property maintenance have to do their part also, so that she can live in peace.

The president of the neighborhood association told Council she had only met Mr. Patel the past week at a meeting. She said the patrons brought chairs to sit, drink and make themselves comfortable as if it was OK and Mr. Patel can't stop it. Alderman Bordeaux asked if she thought there was loitering because it was a package store and she agreed. Alderman Bordeaux said, "There's your solution."

Mayor Jackson said her biggest problem was Mr. Patel falsifying names and betraying 2 judges in a court. Also, Mr. Patel had been in this location for a long time and his patrons should respect his request of no loitering. He also has a right to have them put in jail if they were drinking outside of his facility. Mayor Jackson told Mr. Patel that his customers were the ones getting him in trouble, but apparently he couldn't do anything about it.

Alderman Johnson said this was a historic community that for years has been the victim of institutional neglect. The City is investing money into West Savannah's Redevelopment Plan, and they appropriated money towards the August Road Redevelopment Plan. This community was trying hard to get a handle on their community. Mr. Patel was not being a responsible business manager. His patrons are bold for putting a chair outside to drink; therefore Mr. Patel is unwilling or unable to control it. His question was - does this individual deserve to get his license renewed? Alderman Johnson said this was the Council's opportunity to be consistent across the City, if businesses are given the privilege to sell alcohol and they don't uphold their part of the commitment, the City will take the license away.

Mr. Patel asked Inspector Robinson what needed to be done and he stated he must maintain the property, keeping all trash, litter and debris from the property and remove the accumulation of solid waste in the back of the property. Upon a motion by Alderman Johnson, seconded by Alderman Bell and unanimously carried the hearing was closed. Upon a motion by Alderman Johnson, seconded by Alderman Bell and unanimously carried the request to renew the license was denied.

PETITIONS

Lisa Watson of Plan It Green Design LLC, Represented Janie Brodhead (Tenant/Owner of Brighter Day Food Market) – Petition 120352, requested encroachment at 1102 Bull Street for the installation of brick pavers within the tree lawn. Similar improvements have recently been made on the same block fronting the American Legion Post 135. The petitioner notes this will improve handicap access from curb to sidewalk.

This request has been reviewed by Public Works and Water Resources, Park and Tree, and Development Services with no objections to the plans as submitted. A signed owner's agreement has been provided by the Savannah Post American Legion 135 (property owner) indicating acknowledgement of all responsibility and liability for the encroachment.

Approval of Petition 120352 for encroachment at 1102 Bull Street for the installation of brick pavers within the tree lawn. The petitioner should be advised that such encroachment grants no ownership rights to the property and that, if ever required, the improvements must be removed at petitioner's and/or property owner's expense.

Upon a motion by Alderman Johnson, seconded by Alderman Thomas and carried the request was granted. Alderman Shabazz was out of the room.

Amy Howell of Coastal Canvas, on Behalf of Arnold Gomez of Cilantro's Grill & Cantina (Business Occupant) – Petition 120373, requested the City to allow encroachment at 135 W Bay Street for the installation of four (4) awnings at Cilantro's storefront façade. The subject property is located on the south side of W. Bay Street between Whitaker and Barnard Streets. The awnings range in width from 7'-8" to 11'-8" with projection from the facade at 24" and a vertical clearance of 8'-6".

The petition has been reviewed by Public Works and Water Resources and Development Services with no notable objections. The Metropolitan Planning Commission has approved a Certificate of Appropriateness (COA). The City has received a signed letter from the property owner (News Place West LLC) stating their knowledge of said petition and acceptance of all responsibility and associated liability of the encroachments. Petitioner must adhere to all City permitting and construction guidelines.

Approval of Petition 120373 for encroachment at 135 W. Bay Street for the installation of four (4) awnings. Petitioner should be advised that such encroachment grants no ownership rights to the property and that if ever required the structure(s) must be removed at petitioner or property owner's expense. The City is held harmless for maintenance and liability of the encroachment.

Upon a motion by Alderman Johnson, seconded by Alderman Thomas and carried the request was granted. Alderman Shabazz was out of the room.

ORDINANCES
First and Second Readings

Ordinances read for the first time in Council January 24, 2013, then by unanimous consent of Council read a second time January 24, 2013, placed upon its passage, adopted and approved upon a motion by Alderman Johnson, seconded by Alderman Thomas and carried. Alderman Shabazz was out of the room.

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO AMEND APPENDIX I, SECTION 219 OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) PERTAINING TO SECTION 7-1091 OF SAID CODE TO PROVIDE THAT THE STREET NAMED HEREIN SHALL PROHIBIT STOPPING, STANDING AND PARKING AT ALL TIMES; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; AND, FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: That Appendix I, Section 219 of the Code of the City of Savannah, Georgia (2003), pertaining to Section 7-1091 of said Code, as amended, shall be amended by adding thereto the following:

AMEND SECTION 219 STOPPING, STANDING AND PARKING
PROHIBITED AT ALL TIMES TO INCLUDE

WEST 33rd STREET

On the north side of West 33rd Street from Whitaker Street east to Bull Street.

On the south side of West 33rd Street from Whitaker Street east for a distance of 195 feet.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED this 24th day January, 2013.

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO AMEND APPENDIX I, SECTION 219 OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) PERTAINING TO SECTION 7-1091 OF SAID CODE TO PROVIDE THAT THE STREET NAMED HEREIN SHALL PROHIBIT STOPPING, STANDING AND PARKING AT ALL TIMES; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; AND, FOR OTHER PURPOSES.

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SECTION 1: That Appendix I, Section 219 of the Code of the City of Savannah, Georgia (2003), pertaining to Section 7-1091 of said Code, as amended, shall be amended by adding thereto the following:

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PROHIBITED AT ALL TIMES TO INCLUDE

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On the south side of West 33rd Street from Whitaker Street east for a distance of 195 feet.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED this 24th day January, 2013.

Ordinances read for the first time in Council January 24, 2013, then by unanimous consent of Council read a second time January 24, 2013, placed upon its passage, adopted and approved upon a motion by Alderman Johnson, seconded by Alderman Osborne and unanimously carried.

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO AMEND APPENDIX I, SECTION 208 OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) PERTAINING TO SECTION 7-1018 OF SAID CODE TO PROVIDE THAT THE SPEED LIMIT SHALL BE THIRTY, THIRTY-FIVE AND FORTY MILES PER HOUR, RESPECTIVELY, ON THE STREETS NAMED HEREIN: TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: That Appendix I, Section 208 of the Code of the City of Savannah, Georgia (2003), pertaining to Section 7-1018 of said Code, as amended, shall be amended as follows:

DELETE

Road Name	Within the City Limits of or School Name	From	To	Length in Miles	Speed Limit in mph
Althea Parkway	SAVANNAH	Waters Ave	Kensington Dr	0.50	30
Gwinnett St	SAVANNAH	I-516	Telfair Rd	1.10	35
Gwinnett St	SAVANNAH	M.L. King Jr Blvd	0.1 mi W of I-16	0.42	35
Gwinnett St	SAVANNAH	0.1 mi W of I-16	Stiles Avenue	0.33	35
Gwinnett St	SAVANNAH	Stiles Ave	Savannah City Limits	1.68	30
Stiles Ave	SAVANNAH	Gwinnett St	Louisville Rd	.55	35
Stiles Ave	SAVANNAH	Gwinnett St	Ogeechee Rd	1.20	35
Oxford Dr	SAVANNAH	Reynolds St	Kensington Dr	0.40	30
White Bluff Rd	SAVANNAH	Montgomery Cross Rd	Windsor Rd	2.00	40
White Bluff Rd	SAVANNAH	DeRenne Ave	Abercorn St	1.80	40
White Bluff Rd	SAVANNAH	Windsor Rd	Dead End	2.85	40

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED this 24th day of January, 2013.

AN ORDINANCE
To Be Entitled

AN ORDINANCE TO AMEND APPENDIX I, SECTION 208 OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) PERTAINING TO SECTION 7-1018 OF SAID CODE TO PROVIDE THAT THE SPEED LIMIT SHALL BE TWENTY-FIVE, THIRTY,

THIRTY-FIVE, FORTY AND FORTY-FIVE MILES PER HOUR, RESPECTIVELY, ON THE STREETS NAMED HEREIN: TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: That Appendix I, Section 208 of the Code of the City of Savannah, Georgia (2003), pertaining to Section 7-1018 of said Code, as amended, shall be amended as follows:

ENACT

Road Name	Within the City/Town Limits of and/or School Name	From	To	Length in Miles	Speed Limit
Althea Parkway	SAVANNAH	Waters Ave	Kensington Dr	0.50	25
Benton Blvd	SAVANNAH	South City Limits	Highlands Blvd	2.80	45
Bradley Blvd	SAVANNAH	967 Ft East of SR 25/US 17	1605 Ft East of SR 25/US 17	0.12	30
Bradley Blvd	SAVANNAH	395 Ft South of Castello Ave	South City Limits	1.10	30
Gwinnett St	SAVANNAH	Telfair Rd.	I-516	1.10	35
Gwinnett St	SAVANNAH	I-516	Stiles Avenue	1.24	30
Gwinnett St	SAVANNAH	Stiles Avenue	ML King Jr Blvd	0.75	35
Oxford Dr	SAVANNAH	Reynolds St	Kensington Dr	0.40	25
Stiles Ave	SAVANNAH	Louisville Rd	Cornwall St	0.45	35
Stiles Ave	SAVANNAH	Cornwall St	Carr Avenue	0.41	25
Stiles Ave	SAVANNAH	Carr Avenue	Ogeechee Rd	0.95	35
White Bluff Rd	SAVANNAH	DeRenne Ave	Vernon River Dr	5.52	40

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED this 24th day of January, 2013.

RESOLUTIONS

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN EASEMENT TO GEORGIA POWER COMPANY FOR THE INSTALLATION OF UNDERGROUND DISTRIBUTION LINES ON AND ACROSS CITY-OWNED PROPERTY LOCATED AT 14915 COFFEE BLUFF ROAD.

WHEREAS, the Mayor and Aldermen of the City of Savannah are authorized by Georgia law to grant easements across municipal property for the benefit of the public and for such compensation as deemed reasonable; and

WHEREAS, this request will serve the interests of the City of Savannah by allowing the installation of underground distribution lines on the subject property as required for proposed site improvements;

NOW, THEREFORE, the Mayor and Aldermen in regular meeting assembled, with more than two-thirds of the Aldermen present and voting in the affirmative, approve the granting of said easement and authorize the Acting City Manager to execute the easement document in conformance with this Resolution.

ADOPTED AND APPROVED this 24TH DAY OF JANUARY, 2013, upon a motion my Alderman Johnson, seconded by Alderman Thomas and unanimously carried.

A RESOLUTION TO SUPPORT RAISING THE COMPULSORY SCHOOL ATTENDANCE AGE FROM A CHILD’S SIXTEENTH BIRTHDAY TO A CHILD’S SEVENTEENTH BIRTHDAY.

WHEREAS: The U.S. Department of Education has reported that the high school graduation rate for the 2010-2011 academic year in Georgia was 67% for all students, with only two states posting lower rates under the standardized, national cohort scoring system; and

WHEREAS: Georgia was also near the bottom nationally in comparisons based on the graduation rates of students with disabilities (30 percent graduating), economically disadvantaged students (59 percent), black students (60 percent), students with limited English proficiency (32 percent), and white students (76 percent); and

WHEREAS: The graduation rate for students in the Savannah-Chatham County public school system for the 2010-2011 school year is 54.43 percent; and

WHEREAS: On average, a high school dropout in Georgia earns \$8,089 less each year than a high school graduate does; and

WHEREAS: According to the Governor’s Office for Families and Children, dropouts contribute only about half as much in taxes as do high school graduates; draw larger government subsidies in the form of food stamps, housing assistance, and welfare payments; have a dramatically increased chance of landing in prison; and have worse health outcomes and lower life expectancies; and

WHEREAS: Education, economic development, criminal justice reform, and the welfare of our youth are issues of continuing concern at the state and local level.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Aldermen of the City of Savannah, Georgia, do hereby urge support of legislation during the 2013 legislative session of the Georgia General Assembly to raise the compulsory school attendance age from a child’s sixteenth birthday to a child’s seventeenth birthday unless the child has successfully completed all requirements for a high school diploma.

ADOPTED AND APPROVED this 24th day of January, 2013, upon a motion by Alderman Johnson, seconded by Alderman Hall and unanimously carried.

Alderman Johnson said when children are not in school or gainfully employed it causes problems for society. In looking at the high rate of juvenile activity occurring in the streets, everyone has to use “all the tools in the tool box” to help curb the issue. Council has been supportive for years to lobby the General Assembly to help to raise the compulsory education age from 16 to 17 and this resolution is another opportunity to do so. Alderman Osborne said for several years Senator Lester Jackson has pushed forward to try to increase the age limit in school. Everyone wants the children to become educated and then be able to become productive citizens and be a nuisance when they are out of school and not under truancy control. Mayor Jackson suggested adding to the resolution - the Mayor and Council were in support of Senator Jackson’s house bill and Council was in agreement. Alderman Bell questioned the percentage of Georgia graduates and Alderman Johnson said it was the Chatham County percentage against the National average. Mayor Jackson asked the City Attorney to properly word the resolution before sending it to the legislators. Alderman Bordeaux said having worked in the legislation he knew the amount of work that Senator Jackson had put into this and how he has pushed and been extremely concerned and he admired the Senator’s courage and strength. Alderman Osborne suggested putting some type of verbiage into the resolution acknowledging Senator Jackson by saying “championed” because he should get credit. Alderman Bordeaux said he expressed his respect for Senator Jackson; however, at this point the purpose was to get the bill passed and sometimes it was best not to tie the resolution to personalities or individuals for personal credit. Alderman Osborne suggested asking him to a Council meeting for public thanks at a later date. Alderman Johnson said he dared the school boards across the state to adopt the resolution. Alderman Shabazz said the Council needed to enforce in accordance to the laws and ordinances presently on the books. As the Mayor stated in the press conference, the City must hold parents accountable. Council needs to review and enforce the City’s parental ordinance.

MISCELLANEOUS

Policy and Guidelines for Murals. The proposed mural policy defines murals and graffiti and outlines review criteria and the review process. There have been three public hearings on the proposed mural policy: September 1, October 13, and November 3, 2011. The Historic Site and Monument Commission (HSMC) recommended approval of the policy on November 3, 2011 and again on September 6, 2012. MPC staff presented the proposed Mural Policy to City Council during workshops held on May 17, 2012 and on January 10, 2013. The Mayor and Aldermen recommended several changes to the proposed policy, mostly as it related to the notification process. The following notification process has been incorporated into the proposed policy to apply to all new markers, monuments and public art, including murals:

- 15 day sign posting on the property;
- Written notice to all property owners within 200 feet of the subject property;
- Email notice (or written if email not available) to the President of the Neighborhood Association; and
- Email notification to the City Manager and City Council.

Additional revisions include:

- Additional clarification on the posting of signs, “The petitioner must post a sign, provided by staff, on the property fifteen days in advance of HSMC review. If a site is on a corner lot, a sign on each street must be posted. The sign must be posted on the property in such a way as to be clearly visible from the nearest street. The petitioner is responsible for ensuring that the sign remains posted through the fifteen day period. Should the posting requirement not be met, the HSMC will not review the petition.”
- Revising the role of the property owner to include, “A private property owner wishing to install a marker, monument or work of art is responsible for the upkeep, maintenance, and removal of the marker, monument or work of art.”
- Revising the role of the Mayor and Alderman to include, “Review appeals of any HSMC decision.”
- Revising the definition of a mural to read, “A singular, flat work of art applied (with property owner and HSMC approval) on a building, structure, fence, or other object within public view...”
- Establishing a policy for staff level reviews for minor changes to a previously approved application, such as correcting an incorrect date on the marker, as recommended by the HSMC at their January 3, 2013 meeting.

Upon a motion by Alderman Hall, seconded by Alderman Osborne and carried with the added revisions of notifying neighbors with certified mail. Alderman Johnson was out of the room.

Property Acquisition – Police Memorial Boulevard. Staff requested authorization for the purchase of property located at 0 Police Memorial Boulevard. The property, a 1.6 acre lot, is identified as Parcel 1B-3 on a minor subdivision plat prepared by Thomas and Hutton dated October 29, 2012. Savannah Fire and emergency Services (SFES) plans to construct a permanent fire station on the site. SFES has determined the need for a station at this location in order to adequately serve the businesses and residents in the Chatham Parkway area. The acquisition of this site is essential to SFES maintaining its current ISO rating.

Staff has negotiated a purchase price of \$320,000.00 for the property. This purchase price is based on the final improved value of the land which will include the redesign of the existing parking lot (a portion of which lies within the proposed site), the construction of a street to service the fire station, the new parking area, the adjacent vacant lot behind the station site, and the extension of utility lines to the site. (Existing lines are located on the north side of Police Memorial Boulevard.) A Construction Management Agreement between the seller and West Savannah Lab LLC for the completion of the work will be assigned to the City at closing. Recommend authorizing the purchase of the 1.6 acre parcel located on Police Memorial Boulevard for the sum of \$320,000.00 for the location of a permanent fire station.

Upon a motion by Alderman Hall, seconded by Alderman Thomas and unanimously carried the request was granted.

BIDS, CONTRACTS AND AGREEMENTS

Upon a motion by Alderman Osborne, seconded by Alderman Thomas and unanimously carried, the following bids, contracts and agreements were approved per the City Manager's recommendations:

Operating Agreement for Tricentennial Park. Authorization for the Acting City Manager to execute an "Operating Agreement" between the City of Savannah and the Coastal Heritage Society (CHS) with regard to the operation and uses of City-owned property referred to as the Tricentennial Park and located at 301-303 Martin Luther King, Jr. Boulevard, 655 Louisville Road, 650 W. Jones Street and 604 W. Jones Street. The agreement outlines responsibilities of CHS relating to record keeping, reports and meetings, operating policies and procedures, financial policies and procedures and responsibilities of the City for compliance monitoring and dispensing of funding in the amount of \$754,240.

Engineering Services for Dean Forest Road Landfill Expansion – Contract Modification No. 5 (SA0500) – RFP No. 98.1. Approval of Contract Modification 5B in the amount of \$210,500.00 with Hussey, Gay, Bell, and DeYoung, Inc. The original contract, approved by City Council in May, 1999, was for the preparation of the Design and Operation (D&O) Plan, groundwater and methane monitoring plans, and other documentation required to obtain approval of a major modification to the landfill's solid waste handling permit. Over the years this contract has been modified to include additional engineering services required towards the expansion of the landfill. In April of 2010, City Council approved Contract Modification No. 5 to perform engineering services for completion of a site suitability study and permitting for expansion of the Dean Forest Road Landfill. The scope of work was based on finalizing responses to Georgia Environmental Protection Division (EPD) comments on the already completed site suitability study and finalizing a nearly complete landfill design. Subsequent EPD responses required completion of additional tasks beyond the original scope of work. EPD issued conditional site approval, however with stipulated conditions requiring significant changes in the landfill design concept. These changes have had a cascading effect on the overall permitting process. Further changes in the landfill design were made at the request of the City to improve facility constructability. Additional wetland permitting is also necessary to ultimately obtain a final construction permit for the landfill expansion. In short, the overall effort required to complete site suitability and landfill permitting is substantially greater than the scope of work envisioned for the current contract. This contract modification includes the increased scope of work necessary to obtain landfill permits. The original contract amount approved in May, 1999 was \$141,345. Because landfill permitting is a 10-15 year process and requires response to comments from the EPD after each review, significant changes to the scope of work have occurred over that time period. The total of all contract modifications to date including this modification is \$1,710,736.00, making the total contract \$1,852,081.00. Approval of Contract Amendment No. 5B to Hussey, Gay, Bell, and DeYoung, Inc. in the amount of \$210,500.00. Funds are available in Capital Improvement Project/Dean Forest Road Landfill Administration (Account No. 311-9207-52842-SA0500).

Mobile Thermal Treatment Unit – Sole Source – Event No. 1120. Approval to procure a Nabco Mobile Thermal Treatment Unit from Nabco, Inc in the amount of \$271,000.00. The Mobile Thermal Treatment Unit will be utilized by the Special Operations Department of the Savannah-Chatham Metropolitan Police Department to ensure that the City is in compliance with EPA disposal of ammunition and chemical munitions. The reason for this sole source procurement is due to grant requirements and Nabaco, Inc. is the only company that manufactures a mobile thermal treatment system. Funds are available in the 2013 Budget, Homeland Security, Office/Building Furniture/Equipment, FY Homeland Security Grant Program (Account No. 241-4251-51295/GT0047).

Senior Meals Program – Annual Contract – Event No. 777. Approval to award an annual contract to procure senior meals from Senior Citizens, Inc. in the amount of \$345,312.50, (\$4.25 per meal). The contract will be utilized by Public Facilities and Events/Leisure Services to provide meals for the elderly in the community who show a demonstrated need and who meet the requirements established by Title III. While only one bid was received, pricing was solicited from all known providers. Delivery: As Required. Terms: Net 30 Days.

Fertilizer, Grass Seed and Miscellaneous Items – Annual Contract – Event No. 834. Approval to award an annual contract to procure fertilizer, grass seed, and miscellaneous items from John Deere Landscapes (Items 19, 22, 31, 36, 49, 52, 56, 59 and 64) in the amount of \$18,289.24, Vereen Stores Inc. (Items 5-6, 9-10, 15, 18, 20-21, 23, 24, 26, 28-30, 32, 33, 35, 38-40, 42, 44-

45, 47, 51, 53-54, 58 and 60-63) in the amount of \$51,658.77, Central Garden (Items 1, 8, 11-13, 16-17, 27, 34, 41, 50, 55, 65 and 66) in the amount of \$39,451.88, and Bulloch Fertilizer Co. (Items 2-4, 7, 14, 37, 43, 46, 48 and 57) in the amount of \$50,478.14 for a grand total of \$159,878.03. The fertilizer, grass seed, and miscellaneous items will be utilized by the Park and Tree Department for various horticultural products which include seeds, nutrients, and pesticides that are needed throughout the 2013 year. The horticultural products are needed for healthy vegetation management in the public parks, medians, athletic fields, cemeteries and other public properties. The low bid for each item was selected for award. In the case of ties, the low bidder was selected. Funds are available in the 2013 Budget, Park and Tree/Chemicals (Account No. 101-6122-51323) and Park and Tree/Operating Supplies & Materials (Account No. 101-6122-51320) and various miscellaneous accounts.

Reynolds Square Sidewalk – Event No. 835. Approval to award a construction contract from Savannah Paving Company in the amount of \$43,625.00. The work performed will be in the Reynolds Square sidewalk and will include the excavation, removal, and disposal of existing sidewalks that run north/south and east/west within Reynolds Square and the replacement of these walkways with brick on sand. Bids were received December 18, 2012. Delivery: As Required. Terms: Net 30 Days. Funds are available in the 2013 Budget, Capital Improvement Projects/Square Renovation (Account No. 311-9207-52842-PT 902).

Asphaltic Concrete – Annual Contract – Event No. 874. Approval to award an annual contract to procure asphaltic concrete with Carroll & Carroll, Inc. in the amount of \$62,700.00. The asphaltic concrete contract will be utilized by the City of Savannah Streets Maintenance Department to repair streets throughout the City. While only one bid was received pricing was solicited from all known providers. Delivery: As Required. Terms: Net 30 Days. Funds are available in the 2013 Budget, Street Maintenance/Construction Supplies & Materials (Account No. 101-2105-51340).

Bedding Plants – Annual Contract – Event No. 881. Approval to award an annual contract to procure bedding plants from Oelschig Nursery in the amount of \$34,025.00. This is an annual contract for various bedding plants, bulbs, and potting mix for use by the Park and Tree Department. While only one bid was received, pricing was solicited from all known providers. Delivery: As Required. Terms: Net 30 Days. Funds are available in the 2013 Budget, General Fund/Park and Tree (Account No. 101-6122-51320).

Backflow Preventers – Annual Contract – Event No. 898. Approval to award an annual contract to procure backflow preventers from Ferguson Waterworks in the amount of \$94,598.83. The backflow preventers will be used by Water Distribution to prevent reverse flow of water in City water laterals and prevent polluted water from entering the potable water system. Bids were received January 8, 2013. Delivery: As Needed. Terms: Net 30 Days. Funds are available in the 2013 Budget, Water & Sewer Operating Fund/Water Distribution/construction Supplies & Materials (Account No. 521-2503-51340).

Electrical Repairs – Annual Contract Renewal – Event No. 1001. Renewed an annual contract to procure electrical repairs from Aiken-Harper Electrical Services, Inc. (Primary) and All Electric & Specialty Systems (Secondary) in the amount of \$76,410.00. The contract will be used by various City departments for routine electrical repairs and projects under \$25,000. This is the second of four renewal options available. Delivery: As Required. Terms: Net-30 Days. Funds are available in the 2013 Budget, Various Accounts.

Wetland Mitigation Credits – Sole Source - Event No. 1097. Approval to procure 8.9 wetland mitigation credits from Black Creek Mitigation Bank, LLC in the amount of \$40,050.00. The wetland mitigation credits will be utilized as a requirement for the President Street and General McIntosh Improvements and Utility Relocations Project. An Army Corps of Engineers Permit was required for this project. Black Creek Mitigation Bank, LLC is the sole source vendor for the wetland mitigation credits because credits were immediately available. Funds are available in the 2013 Budget, Capital Improvement Projects/Other Costs/CIP President Street and General McIntosh Boulevard Improvements (Account No. 311-9207-52842-TE 0310).

Tatemville Neighborhood Noise Barrier – Event No. 839. Approval to award construction services for the Tatemville Noise Barrier Wall from TIC- The Industrial Company in the amount of \$987,290.00. The project includes site clearing and preparation, installation of the 10 foot tall noise barrier wall, constructed of cast in place concrete with associated footings within the Georgia Department of Transportation (GDOT) right-of- way; installation of GDOT approved signage, striping, and guardrail; design and implementation of GDOT approved traffic control

plan within the GDOT right-of-way for DeRenne Avenue; installation and maintenance of erosion control measures; restoration of property post construction; and installation of monumentation and landscaping along the corridor. Delivery: 180 Days. Terms: Net 30 Days. Funds are available in the 2013 Budget Capital Improvement Projects, Tatemville Sound Barrier (Account No. 311-9207-52842-TE0613).

Alderman Shabazz said finally the City has the contractor on-board to construct the noise barrier wall. She wanted the neighbors to know the City is moving forward and the construction would take 6-months. Upon a motion by Alderman Shabazz, seconded by Alderman bell and unanimously carried the contract was granted.

Neighborhood Improvement Association, Inc. – Volunteer Income Tax Assistance (VITA) Program Contract. Authorization for the Acting City Manager to sign a 2013 service agreement with the Neighborhood Improvement Association (NIA) to provide Volunteer Income Tax Assistance (VITA) services for the 2013 tax season in the amount of \$100,000. The VITA program assists low and moderate income residents in filing their annual tax returns and increases the number of eligible individuals and families claiming and receiving the refundable federal income tax credit known as the Earned Income Tax Credit (EITC). The EITC is a refundable tax credit for people who work but earn low-to-moderate incomes. It can help to lift persons of extremely low incomes above the poverty line. Approximately 4,640 families were eligible for the EITC in Chatham County. However, an estimated \$9,335,680 has gone unclaimed. The VITA Sites in Savannah are as follows: Chatham Savannah Authority for the Homeless, 2301 Bull Street; Savannah Entrepreneurial Center, 801 East Gwinnett Street; Employment & Training Center Union Mission, 711 East Broad Street; Windsor Forest Community Center, 414 Briarcliff Circle; Moses Jackson Golden Age Center, 1210 Richard Street; Neighborhood Improvement Association, 1816 Abercorn Street; Economic Opportunity Authority, 618 W. Anderson Street; St. Mary’s Community Center, 812 West 36th Street; and Second Arnold Baptist Church, 1427 East 37th Street. The EITC program is consistent with the goals of the Mayor and Aldermen and addresses the priority of Poverty Reduction. The funding level of \$100,000 is allocated in the City’s 2013 Budget.

Alderman Thomas recused himself from this item for a possible conflict of interest. Mayor Jackson asked the City Manager to place the information on the City’s TV station and the local news media to promote it as a public service announcement. Upon a motion by Alderman Johnson, seconded by Alderman Osborne and carried, the agreement was approved.

Intergovernmental Agreement with Chatham County for The Transfer of SPLOST Funds for White Bluff and Coffee Bluff Roadway Improvements. Authorized the Acting City Manager to enter into the Intergovernmental Agreement for the Distribution of Special Purpose Local Option Sales Tax 2 (SPLOST) proceeds by the County to the City of Savannah for the purpose of White Bluff and Coffee Bluff Roadway Improvements. Chatham County approved this agreement at the Commission meeting on December 21, 2012. The funds will be used to construct sidewalks and drainage improvements along White Bluff Road and Coffee Bluff Road. The City will act as the project agent/manager and therefore will be responsible for the design, construction procurement and management, and all financial oversight related to this project. Funds, in the amount of \$500,000 will be transferred from the 1993 – 1998 SPLOST 2 proceeds.

Alderman Thomas commended the City Manager and her staff for reaching out and finding the money that was approved in 1993 for sidewalks in Coffee Bluff. Twenty years ago more sidewalks could have been built for this amount of money, but he hoped that many of the residents in the community would and could use the sidewalks now. Upon a motion by Alderman Thomas, seconded by Alderman Bell and unanimously carried the agreement was granted.

Mayor Jackson announced that Council would hold a Town Hall Meeting on Tuesday, February 5th at 7:00 pm at the Savannah Civic Center. She invited all residents to attend as the Council would be providing the State of the City's Address.

Mayor Jackson also announced the Council and some staff would be attending the Mayor's Day Conference in Atlanta, GA starting January 25th through February 1st. They will meet with the legislators for breakfast on Thursday, January 31st.

Mayor Jackson asked for the community's help. The City is experiencing shootings and the City needs help in identifying the individuals responsible for the crimes. She pleaded with the community to call the non-emergency police number 652-6500 and report the criminal. Don't let them be more powerful than the citizens. Parents, please check on your children.

There being no further business, Mayor Jackson declared this meeting of Council adjourned.

A handwritten signature in cursive script, reading "Dyanne C. Reese", written in black ink on a light-colored rectangular background.

Dyanne C. Reese, MMC
Clerk of Council